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6 IN THE UNITED STATES DISTRICT COURT

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10 CHARLES STEVENS, No. C 09-0137 WHA  
11 Petitioner, DEATH PENALTY CASE  
12 v. **ORDER REGARDING REQUEST**  
13 RON DAVIS, Warden, San Quentin **FOR REPLY**  
14 State Prison  
15 Respondent.  
16 \_\_\_\_\_/

17 A question has arisen whether Attorney Bryan may file a reply to the brief of Attorney  
18 Rifkin on the issue of whether petitioner may dismiss certain claims from his petition for writ of  
19 habeas corpus. So far, a reply has not been authorized and a request for one will not be  
20 considered until after Attorney Rifkin's brief is filed this Wednesday, January 28.

21 The proper way to request the filing of a reply that is not automatically provided for is to  
22 do so by written motion. Any such motion is due by Friday, January 30 at noon. The motion  
23 will be limited to three pages, double-spaced. Footnotes and attachments will not be  
24 considered. If a reply is granted, it will be limited to the legal issue addressed in Attorney  
25 Rifkin's brief.

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1 Furthermore, all parties are reminded that they were in agreement at the December 3  
2 hearing at San Quentin that petitioner was and is competent to waive the claims at issue. The  
3 Court has already made a formal finding on this issue at Docket No. 83, p. 2.

4 The Court intends to issue a ruling on this matter promptly.

5 **IT IS SO ORDERED.**

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7 Dated: January 27, 2015.



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8 WILLIAM ALSUP  
9 UNITED STATES DISTRICT JUDGE